



THE CITY OF BUFFALO
Zoning Board of Appeals

901 City Hall

Minutes • February 15, 2017

Buffalo, NY 14202
<http://www.city-buffalo.com>
 James Lewis

Regular

OSP Conference Room
 901 City Hall, 65 Niagara Sq., Buffalo, NY 14202

2:00 PM

I. Call to Order

The meeting was called to order at 2:00 PM by

Attendee Name	Present	Absent	Late	Arrived
Bernice Radle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Thomas Dearing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
James A. Lewis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Anthony Diina	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

II. Minutes Approval

- Zoning Board of Appeals - Regular - Jan 18, 2017 2:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Anthony Diina
ABSENT:	James A. Lewis

III. Agenda Items

- 134 COLVIN AVENUE - Applicant is Requesting a Reconsideration of the Project that was Denied on January 18, 2017 to Install a Parking Pad in Front of a 2-Story 2-Family Frame Dwelling(9424163). FRONT YARD PARKING PAD

Motion for "Reconsideration" failed due to a lack of a unanimous vote by the board.

RESULT:	DENIED RECONSIDERATION [2 TO 1]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing
NAYS:	Anthony Diina
ABSENT:	James A. Lewis

- 138 COLVIN AVENUE - Applicant is Requesting a Reconsideration of the Project that was Denied on January 18, 2017 to Establish Use of a Parking Pad at Concrete Area in Front of a 2-Family Dwelling (9424345). PARKING FORWARD OF BUILDING IS NOT PERMITTED

RESULT:	APPROVE RECONSIDERATION [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Thomas Dearing
AYES:	Bernice Radle, Thomas Dearing, Anthony Diina
ABSENT:	James A. Lewis

3. 2832 BAILEY AVENUE - Place Four 8' X 40' Tire Storage Pods Next to an Auto Repair Tire Shop (9425594). R2 & C2 Districts. Section 511-24/511-32. PERMITTED USES IN R2 AND C2 DISTRICTS (Unlisted-Uncoordinated)

Negative Declaration Adopted.

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Anthony Diina
ABSENT:	James A. Lewis

4. 289 AUSTIN STREET - Re-Establish an Existing Restaurant/Tavern Use that Has Been Closed for More Than One Year (9425712). R2 District. Section 511-12. PERMITTED USES (Unlisted-Uncoordinated)

Negative Declaration Adopted.

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Thomas Dearing
AYES:	Bernice Radle, Thomas Dearing, Anthony Diina
ABSENT:	James A. Lewis

5. 109 YOUNG STREET - NABEL HADAIVTY to Convert a Small Garage to an Auto Repair (9426265) R2 District. Section 511-12. PERMITTED USES (Unlisted-Uncoordinated)

Variance denied for the following reasons:

*Negative impact on the residential character of the neighborhood.

*The area is zoned residential, thus the auto repair, accompanying storage, noise and traffic is not compatible with the residential neighborhood.

*Hardship was self-created.

*Applicant did not prove financial hardship.

Negative Declaration Adopted.

RESULT:	DENY VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Anthony Diina
ABSENT:	James A. Lewis

6. 505 ELLICOTT STREET - JON MORRIS to Change Use from Parking Lot and 1-Story Warehouse to a 4-Story Construction School (Emerson) with Banquet Space, 6-Story Office Building and a 4-Story Accessory Parking Garage (9426345). District DO. Section 511-71B.(2) REQUIRED SETBACKS (Unlisted-Uncoordinated)

Negative Declaration Adopted.

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Anthony Diina
ABSENT:	James A. Lewis

7. 168 HUMBOLDT PARKWAY - ANDREW J. SHEA to Use Existing Office Building (Previously Part of Sisters Hospital) as "For Profit" Office at Frame Building (9426205). R2 District. Section 511-12. PERMITTED USES IN R2 (Unlisted-Uncoordinated)

Negative Declaration Adopted.

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Thomas Dearing
AYES:	Bernice Radle, Thomas Dearing, Anthony Diina
ABSENT:	James A. Lewis

8. 382 HIGH STREET - FRANK LAZARUS Use of Millwork/Cabinet Manufacturing in C2 Zoning District at a 1-Story Manufacturing Facility (9426390). C2 District. Section 511-32. PERMITTED USE: FURNITURE MAKING NOT PERMITTED (Unlisted-Uncoordinated)

Negative Declaration Adopted.

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Anthony Diina
ABSENT:	James A. Lewis

9. 339 RHODE ISLAND - DAVID ROGERS to Change the Use of a Portion of the First Floor of a Previously Altered Building to a Barber Shop (9426595). R2 District. Section 511-24. PERMITTED USES (Unlisted-Uncoordinated)

Negative Declaration Adopted.

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Anthony Diina
ABSENT:	James A. Lewis

10. 807 PERRY STREET - MATTHEW WILTROUT to Place a 9' Fence Which Includes a 1' High (3 Strand) Barbed-Wire at Top of an 8' Chain Link Fence with Two Openings (9426447) R2 District. Section 511-115E(1)(A)[1] and 511-115E(2)Notes(1). FENCE HEIGHTS AND BARBED WIRE (Type II)

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Anthony Diina
ABSENT:	James A. Lewis

11. 377 KENSINGTON AVENUE - ROBERT GOODWILL to Erect a 6' High Wood Stockade Fence in the Front of a 1-Story Frame Daycare Center (9426496). R2 District. Section 511-115E(1)(A)[1]. FENCE HEIGHT (Type II)

CONDITIONS:

*Applicant install adequate shrubbery or similar buffer on the Kensington Avenue side of the fence which meets the approval of the Permits and Inspections Department.

*The finished side of the fence face Kensington Avenue.

RESULT:	APPROVE VARIANCE W/COND [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Anthony Diina
ABSENT:	James A. Lewis

12. 1296 DELAWARE AVENUE - HALEY HARTMANS to Convert a 2-Story Frame Dwelling with Commercial Use to a Ten Room Boutique Hotel (9424711). R4 District. Section 511-20 PERMITTED USES (Unlisted-Uncoordinated)

Negative Declaration Adopted.

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Anthony Diina
ABSENT:	James A. Lewis

13. 1091 MAIN STREET - ST. PAUL GROUP LLC Change of Use from a Parking Lot to a Six-Story Steel Frame Office Building with Retail at 1st Floor and (50) Space Parking Lot in Basement (9426474). R3 District. Section 511-16,17&18. PERMITTED USES, HEIGHT RESTRICTIONS, LOT AND AREA REQUIREMENTS (Unlisted-Uncoordinated)

Negative Declaration Adopted.

RESULT:	APPROVE VARIANCE [UNANIMOUS]
MOVER:	Thomas Dearing
SECONDER:	Bernice Radle
AYES:	Bernice Radle, Thomas Dearing, Anthony Diina
ABSENT:	James A. Lewis

14. 388 AMHERST STREET - MALAK MAZEH to Place a 24Sf Illuminated Blade Sign at Front of Restaurant with 32Sf Wall Sign (9426487). C2 District. Section 511-104A.(4).(C). SIGN EXCEEDS 32SF (Type II)

RESULT: TABLED
Next: 3/15/2017 2:00 PM

15. 160 WARWICK STREET - FRANK SURIANELLO to Temporarily Erect/Install a Portable Concrete Mixing Plant on Vacant Industrial Land to be Used for Offsite Projects (9426348). M1 District. CONCRETE PLANT NOT ENCLOSED AND BOARDERS R DISTRICT (Unlisted-Uncoordinated).

CONDITION:

*Approval is for one year.

Negative Declaration Adopted.

RESULT:	APPROVE VARIANCE W/COND [UNANIMOUS]
MOVER:	Bernice Radle
SECONDER:	Thomas Dearing
AYES:	Bernice Radle, Thomas Dearing, Anthony Diina
ABSENT:	James A. Lewis

IV. Adjournment

The meeting was closed at

City Clerk